

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

STEELCASE, INC. a Michigan  
corporation,

Plaintiff,

v.

Case No.: 1:04cv0026  
Hon. Robert Holmes Bell  
Chief, U. S. District Judge

HARBIN'S INC., an Alabama  
corporation, MICHAEL G. HARBIN  
and HOPE D. HARBIN PATTERSON,

Defendants.

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MILLER, JOHNSON, SNELL &  
CUMMISKEY, P. L. C.  
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HOPE D. HARBIN -PATTERSON  
Defendant in Pro Per  
4514 Chamblee Dunwoody Rd. - 238  
Atlanta, GA 30338-6202

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**DEFENDANT MICHAEL G. HARBIN'S  
INITIAL DISCLOSURES**

Defendant Michael G. Harbin ("Michael") by and through his attorneys SILVERMAN, SMITH, BINGEN & RICE, P.C., makes his initial disclosures under Fed. R. Civ. P. 26(a)(1). Michael reserves the right to supplement these disclosures as a result of information learned during the process of conducting discovery and obtaining discovery responses.

A. Fed. R. Civ. P. 26(a)(1)(A). The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

**RESPONSE:**

1. **Michael D. Harbin, Defendant  
406 Eastern Lake Road - A  
Santa Rosa Beach, FL 32459-8536  
(850) 231-5073**
2. **Hope D. Harbin-Patterson, Defendant  
4514 Chamblee Dunwoody Rd. - 238  
Atlanta, GA 30338-6202**
3. **Brian Clark, former Steelcase, Inc. representative.  
Bodine, Inc.  
2141 14th Avenue, South  
Birmingham, AL 35205  
(205) 933-9100**
4. **John Morris, Director of Dealer Sales, Steelcase, Inc.  
303 Peachtree Center Avenue, Suite AL-175  
Atlanta, GA 30303  
(404) 523-2210**
5. **Gary Malburg, Vice President of Finance, Steelcase, Inc.  
P. O. Box 1967  
Grand Rapids, MI 49501-1967  
(616) 247-2710**
6. **James Van Dyk, Manager of Corporate Credit, Steelcase, Inc.  
P. O. Box 1967  
Grand Rapids, MI 49501-1967  
(616) 247-2710**
7. **Randy Essenberg, former Steelcase, Inc. employee.**
8. **Other employees of the Plaintiff, whose names Michael does not recall.**

All of the above will have information regarding the specific nature of the guaranties and the fact that they were never intended to be continuing guaranties beyond those specific purchase orders. Michael was asked by employees of Steelcase on numerous occasions to sign a continuing guaranty in which he would personally guarantee all of Harbin, Inc.'s debt to Steelcase. He always refused. With regard to several large orders, Michael was asked if he would personally guarantee payment for just those specific orders. Michael agreed. Those are the orders referenced in the guaranties attached to the Steelcase Complaint.

B. Fed. R. Civ. P. 26(a)(1)(B). A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment:

**RESPONSE:** With the exception of the two specific guaranties attached to the Complaint, Michael does not believe that he has possession, custody, or control, of any such documents.

C. Fed. R. Civ. P. 26(a)(1)(C). A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:

**RESPONSE:** The only damage would be costs and expenses incurred as a result of defending frivolous claims. Such costs and expenses relate to the cost of defending this lawsuit and these costs are ongoing. Michael may seek sanctions under R. 11.

D. Fed. R. Civ. P. 26(a)(1)(D). For inspection and copying as under Rule 34 any insurance agreement under which any person carrying or an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment:

**RESPONSE:**        **Michael is unaware of any such insurance policy.**

Dated: January 14, 2005

SILVERMAN, SMITH, BINGEN & RICE, P.C.  
Attorneys for Defendant Michael G. Harbin

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Robert W. Smith (P31192)